

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GINA DIAKONOV,

Plaintiff,

Case No. 21-cv-11517
Hon. Matthew F. Leitman

v.

ROBERT C. MASI, D.D.S., P.C.,

Defendant.

/

**ORDER TERMINATING DEFENDANT'S
MOTION TO DISMISS (ECF No. 6) WITHOUT PREJUDICE**

On June 28, 2021, Plaintiff Gina Diakonov filed this employment discrimination action against her former employer, Robert C. Masi, D.D.S., P.C. (“Masi”). (*See* Compl., ECF No. 1.) Masi then a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 6.)

On August 7, 2021, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Diakonov leave to file a First Amended Complaint in order to remedy the alleged deficiencies in her claims identified by Masi in the motion to dismiss. (*See* Order, ECF No. 7.) The Court informed the parties that if Diakonov filed a First Amended Complaint, it would terminate without prejudice Masi’s motion to dismiss as moot. (*See id.*)

Diakonov filed a First Amended Complaint on August 23, 2021. (*See* Am. Compl., ECF No. 9.) Accordingly, the Court **TERMINATES WITHOUT PREJUDICE** Masi's motion to dismiss (ECF No. 6) **AS MOOT**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 5, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 5, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764